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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,342	08/31/2001	Grace Li	4316/19	1433

22440 7590 10/20/2005

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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,342

Applicant(s)

LI ET AL.

Examiner

Jennifer A. Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 18, 2005 has been entered. The Applicant's Amendments and Accompanying Remarks, filed July 18, 2005, have been entered and have been carefully considered. Claims 1, 9, 15 and 19 – 28 are cancelled and claims 2 – 8, 10 – 14 and 16 – 18 are pending. In view of Applicant's cancellation of claims 19 – 20, the Examiner withdraws the rejection as detailed in paragraph 3 of the Office Action dated December 20, 2005. In view of Applicant's Declaration which demonstrates that the teaching of Forbes cannot be modified by McKinney, the Examiner withdraws the rejection as detailed in paragraph 4 of the Office Action dated December 20, 2005. After another search was conducted, additional prior art has been found which renders the invention as currently claimed unpatentable for reasons herein below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 2 – 7, 10 – 14 and 16 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Banks et al (US 4,921,702).

Banks is directed to a sheet material for treating wounds in plant matter (Title).

As to claims 5 and 13, Banks teaches an absorbent sheet comprising a layer of sheet material (distal layer), a permeable layer (proximal layer) and between the layers liquid absorbing solid particles and/or fibrous absorbent material (Abstract). Banks teaches that the proximal layer can be a permeable layer (column 3, lines 35 – 45) and the distal layer can be an impermeable layer (column 3, lines 64 – 68). The absorbent material may contain in one embodiment: 25 – 75% particulate absorbent, 5 – 20% of high melt flow PE as adhesive and 1.5 g per square meter of active fungicide (column 4, lines 45 – 60). Banks teaches that the liquid absorbent particles may comprise cross-linked polyacrylic acid derivates (column 2, lines 55 – 65). Banks teaches that the laminate may be in the form of discrete pieces of a suitable shape and size, preferably bonded or sealed around their peripheries or may be in the form of a roll or elongated web with transverse perforations at regular intervals (column 6, lines 1 – 10).

As to claims 2 and 10, Banks teaches that the permeable layer may comprise a cellulose fluff layer, a cellulose tissue or a perforated woven or nonwoven synthetic polymeric material (column 3, lines 35 – 45).

As to claims 3 and 11, Banks teaches that the impermeable layer may comprise any suitable polymeric sheet material such as polyethylene (column 4, lines 1 – 5).

As to claims 4 and 12, Banks teaches that the absorbent polymer may comprise cross-linked sodium polyacrylate (column 2, lines 55 – 65).

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As to claims 6 – 7, 14 and 16, Banks teaches that the adhesive can comprise high melt flow index polyethylene (column 4, lines 45 – 60).

As to claim 17, Banks teaches that the laminate may be in the form of a roll or elongated web with transverse perforations at regular intervals (column 6, lines 1 – 10).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks et al (US 4,921,702).

Banks discloses the claimed invention except for that the article has a thickness of between about 0.015 and 0.025 inches as required by claims 8 and 18. It should be noted that thickness of the article is a result effective variable. As the thickness increases, the article becomes stiffer, stronger and bulkier. As the thickness decreases, the article becomes more flexible, thin and fragile. It would have been obvious to one having ordinary skill in the art at the time the invention was made to create an article with a thickness ranging from 0.015 and 0.025 inches since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454 USPQ 233 (CCPA 1955). In the present invention, one would have been motivated to optimize the thickness in order to create an article having appropriate flexibility and strength suitable for disposable absorbent pads.

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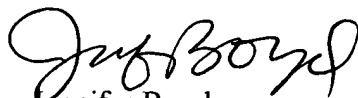
Response to Arguments

6. Applicant's arguments with respect to claims 2 – 8, 10 – 14 and 16 – 18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd
October 12, 2005



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700